

House Resolution 885

By: Representatives Johnson of the 75th, McKillip of the 115th, Abdul-Salaam of the 74th, Baker of the 78th, and Glanton of the 76th

A RESOLUTION

1 Creating the House Study Committee on Use of Quitclaim Deeds; and for other purposes.

2 WHEREAS, a quitclaim deed is an instrument releasing to the grantee without warranty all
3 the right, title, or interest of the grantor in the land described, and if properly drawn and
4 executed, it is fully as effective to pass title as a warranty deed; and

5 WHEREAS, it affords the same protection when recorded, to a bona fide purchaser without
6 notice, as a warranty deed; and

7 WHEREAS, it will convey all rights of the grantor in the land despite recitals of a limited
8 purpose, yet has the disadvantage of not carrying with it the right to interests afterward
9 acquired by the grantee as would a warranty deed and does not include the right to sue on
10 prior warranties; and

11 WHEREAS, there have been reported instances where a quitclaim deed was used to convey
12 property from the rightful owners and wherein the grantor had no rights in the land but
13 created a color of title issue in the grantee; and

14 WHEREAS, the quitclaim deed has been historically utilized in real estate law to transfer
15 property among family members and to further eliminate clouds on title; and

16 WHEREAS, it would be beneficial to analyze the utilization of quitclaim deeds in Georgia
17 and determine if their use should be further restricted or clarified in real estate law.

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
19 there is created the House Study Committee on Use of Quitclaim Deeds to be composed of
20 five members of the House of Representatives to be appointed by the Speaker of the House
21 of Representatives. The Speaker shall designate a member of the committee as chairperson
22 of the committee. The chairperson shall call all meetings of the committee.

23 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
24 needs, issues, and problems mentioned above or related thereto and recommend any action
25 or legislation which the committee deems necessary or appropriate. The committee may
26 conduct such meetings at such places and at such times as it may deem necessary or
27 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
28 accomplish the objectives and purposes of this resolution. The members of the committee
29 shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of
30 Georgia Annotated. The allowances authorized by this resolution shall not be received by
31 any member of the committee for more than five days unless additional days are authorized.
32 The funds necessary to carry out the provisions of this resolution shall come from the funds
33 appropriated to the House of Representatives. In the event the committee makes a report of
34 its findings and recommendations, with suggestions for proposed legislation, if any, such
35 report shall be made on or before December 31, 2009. The committee shall stand abolished
36 on December 31, 2009.